

## **Senate Bill No. 966**

### **CHAPTER 158**

An act to add Section 19460.5 to the Education Code, to amend Sections 8654, 8680, 8680.4, 8680.5, 8682.9, 8685, 8686.4, 8687, 8687.4, 24009, 26202.1, 66442, and 66442.5 of, to amend the heading of Chapter 7.5 (commencing with Section 8680) of Division 1 of Title 2 of, to add Sections 25210.3c and 61226.5 to, to repeal Sections 1228.6, 8680.6, 8686.6, 8690.8, 8691, 8692, 25841, and 50279.4 of, to repeal Article 3.5 (commencing with Section 51939.50) of Chapter 5 of Part 2 of Division 1 of Title 5 of, and to repeal Chapter 3 (commencing with Section 51700) of Part 2 of Division 1 of Title 5 of, the Government Code, to add Sections 5900.11, 6064, 6272, 6860.5, and 7053.5 to the Harbors and Navigation Code, to amend Sections 2043, 2054, 11372.5, and 13868 of, and to add Sections 2853, 4766.5, 6491.5, and 32107 to, the Health and Safety Code, to add Section 1190.5 to the Military and Veterans Code, to amend Section 1463.14 of the Penal Code, to amend Sections 5557.2, 5786.9, 5786.31, 8801, 8802, 8809, 8813, 8815.1, 8815.2, 8815.4, 8819, 9313, and 26582 of, to add Sections 8813.1, 8813.2, 8813.3, and 8815.5 to, and to add Chapter 3 (commencing with Section 8850), Chapter 4 (commencing with Section 8870), and Chapter 5 (commencing with Section 8890) to Division 8 of, the Public Resources Code, to amend Sections 12772, 16486, 16489, 132352, 170006, 170016, 170018, 170042, 170062, and 170084 of, to add Sections 16044, 22411, and 170041 to, and to repeal Sections 170010, 170012, and 170014 of, the Public Utilities Code, and to amend Section 21403 of, and to add Sections 30525.5, 35307, 40657.5, 50942, 55333.5, 71282, and 74228.5 to, the Water Code, relating to general government.

[Approved by Governor August 31, 2005. Filed with  
Secretary of State August 31, 2005.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

SB 966, Committee on Local Government. Local Government Omnibus Act of 2005 and state government.

(1) Existing law prescribes the procedures for special districts to retain and destroy their old records.

This bill would expressly refer to those procedures in the principal acts of 30 types of special districts.

(2) Existing law authorizes the Calaveras County Board of Supervisors to grant a county sheriff a leave of absence without salary for not to exceed one year for a specified purpose.

This bill would repeal that authorization.

(3) Existing law authorizes the Governor to take certain actions when the President, at the Governor's request, declares a major disaster to exist in the state and other actions when both the Governor proclaims a state of

emergency and the President declares an emergency or major disaster to exist in this state.

This bill would authorize the Governor to take certain actions when both the Governor proclaims a state of emergency and the President declares an emergency or major disaster to exist in this state instead of when the President at the Governor's request declares a major disaster to exist in the state.

(4) Existing law, the Disaster Assistance Act defines certain terms for purposes of that act.

This bill would delete the definition of street and highway project and public facilities project and would revise the definition of project and project application. The bill would rename the act the California Disaster Assistance Act.

(5) Existing law creates within the Disaster Response Emergency Operations Account, the 1987 Higher Education Earthquake Account into which are paid funds for assistance to eligible higher education entities that incurred losses or expenses related to earthquake activity that began on October 1, 1987.

This bill would repeal provisions related to the 1987 Higher Education Earthquake Account.

(6) Existing law makes available for transfer by the Department of Finance to the State Highway Account in the State Transportation Fund any money in the Street and Highway Account that the Director of the Office of Emergency Services determines is not needed for immediate use for purposes of the Disaster Assistance Act. Existing law authorizes the director to advance to the Department of Transportation from the Street and Highway Account to the State Highway Account in the State Transportation Fund, funds that are necessary to provide for the restoration or repair of local federal aid system highway facilities when those funds are eligible for reimbursement with federal emergency relief funds.

This bill would repeal these provisions.

(7) This bill would make conforming changes and delete obsolete provisions relating to disaster assistance.

(8) Existing law authorizes a county board of supervisors to delegate to a purchasing agent or other appropriate county official the authority to lease real property for use by the county for a term not to exceed 3 years and for a rental not to exceed \$7,500 per month and to amend those leases for improvements or alterations, as specified.

This bill would also permit the purchasing agent or other official to obtain the use of real property for the county by license and to extend the term of the lease or license to 5 years. The bill would make other conforming changes.

(9) Existing statutory law requires that certain county offices are to be elected, in addition to those that the California Constitution requires to be elected. Existing law establishes a process by which those offices that are required by statute to be elected may be converted to offices appointed by the board of supervisors.

This bill would explicitly state that those offices required by the California Constitution to be elective may not be made appointive by this process.

(10) Existing law contains an authorization for county boards of supervisors to impose a special ad valorem property tax, now made obsolete by the passage of Proposition 13 in 1978, to pay for comfort stations.

This bill would repeal that obsolete provision.

(11) Existing law requires that a county board of supervisors retain for at least 5 years records of any unaccepted bid or proposal for the construction or installation of any building, structure, bridge, highway or other public work.

This bill would reduce that period to 2 years.

(12) Existing law states that city representatives to regional coastal zone conservation commissions, which have been repealed, shall be appointed by a city selection commission.

This bill would repeal this obsolete provision.

(13) Existing law, the Joint Exercise of Powers Act authorizes 2 or more public agencies to perform jointly any program each agency is individually authorized to perform. Existing law also provides a procedure for counties and cities to jointly construct public buildings.

This bill would repeal the latter procedure.

(14) Existing law contains alternative procedures, enacted in 1973, for local voters to consolidate the County of Sacramento with its incorporated cities if a constitutional amendment on the subject was rejected by the voters. However, the constitutional amendment was approved.

This bill would repeal those alternative procedures.

(15) Existing law requires a certificate or statement by the county surveyor for the final map of a subdivision that lies within an unincorporated area or a certificate or statement by the city engineer or city surveyor if the subdivision lies within a city. Existing law also requires other specified information from that official.

This bill would also require that the final map contain the stamp of the seal of that official.

(16) Existing law requires that a final map contain the engineer's or surveyor's statement.

This bill would require that the statement contain a specified declaration regarding the proper placement of survey monuments.

(17) Existing law requires that whenever the governing board of a recreation and park district or a mosquito abatement and vector control district levies a special tax, benefit assessment, or a tax to pay for general obligation bonds, it is required to file specified documents with the State Board of Equalization.

This bill would delete that requirement.

(18) Existing law requires the deposit of a criminal laboratory analysis fee imposed by the courts upon conviction of specified offenses into a criminalistics laboratories fund maintained by the county treasurer to be

used for specified purposes. Existing law requires the county treasurer, at the conclusion of each fiscal year, to determine the amount of any funds remaining in the fund and to distribute the surplus funds pursuant a specified allocation schedule.

This bill would authorize the county board of supervisors to assign that duty of the treasurer to determine the amount of any funds remaining in the fund at the end of the fiscal year to the auditor or another county officer.

(19) Existing law establishes the California Coordinate System, which contains the substantive requirements for surveying.

This bill would revise various provisions relating to that system to include surveying technologies such as Global Positioning Systems and Geographic Information Systems and would make related changes.

(20) Existing law grants the Kirkwood Meadows Public Utility District and the June Lake Public Utility District all of the powers of a mosquito abatement district or vector control district.

This bill would correct obsolete references to mosquito abatement districts and vector control districts in those public utility district laws.

(21) Existing law authorizes the consolidated agency consisting of the San Diego Association of Governments, the San Diego Metropolitan Transit Development Board, and the North San Diego County Transit Development Board to adopt bylaws and other rules.

This bill would specify the procedures for the publication of ordinances adopted by the board.

(22) Existing provisions of the San Diego County Regional Airport Authority Act provided for administration of the San Diego County Regional Airport Authority by an interim board with prescribed membership until December 2, 2002.

This bill would repeal obsolete provisions and make technical changes to provisions pertaining to that interim board.

(23) Existing law requires the appropriate appointing authority to fill a vacancy on the authority board occurring prior to the expiration of the member's term.

This bill would make a technical corrective change in the language of this provision.

(24) Existing open-meeting requirements of the Ralph M. Brown Act are applicable to all local agencies, including the authority.

This bill would amend the San Diego County Regional Airport Authority Act to explicitly restate the applicability of the Ralph M. Brown Act to the authority.

*The people of the State of California do enact as follows:*

SECTION 1. (a) This act shall be known and may be cited as the Local Government Omnibus Act of 2005.

(b) The Legislature finds and declares that Californians want their governments to be funded efficiently and economically and that public officials should avoid waste and duplication whenever possible. The Legislature further finds and declares that it desires to control its own costs by reducing the number of separate bills. Therefore, it is the intent of the Legislature in enacting this act to combine several minor, noncontroversial statutory changes relating to local government into a single measure.

SEC. 2. Section 19460.5 is added to the Education Code, to read:

19460.5. A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

SEC. 3. Section 1228.6 of the Government Code is repealed.

SEC. 3.1. Section 8654 of the Government Code is amended to read:

8654. (a) Whenever the Governor has proclaimed a state of emergency and the President has declared an emergency or a major disaster to exist in this state, the Governor may do any of the following:

(1) Enter into purchases, leases, or other arrangements with any agency of the United States for temporary housing units to be occupied by disaster victims and make those units available to any political subdivision for that purpose.

(2) Assist any political subdivision within which temporary housing for disaster victims is proposed to be located to acquire sites necessary for that temporary housing and to do all things required to prepare those sites to receive and utilize temporary housing units by advancing or lending any funds available to the Governor from any appropriation made by the Legislature or from any other source, by transmitting any funds made available by any public or private agency, or by acting in cooperation with the political subdivision for the execution and performance of any project for temporary housing for disaster victims, and for those purposes to pledge the credit of the state on terms as the Governor declares necessary under the circumstances, having due regard for current financial obligations of the state.

(3) Under regulations as the Governor shall make, temporarily suspend or modify for not to exceed 60 days any public health, safety, zoning, or intrastate transportation law, ordinance, or regulation when by proclamation he or she declares the suspension or modification essential to provide temporary housing for disaster victims.

(4) Upon his or her determination that financial assistance is essential to meet disaster-related necessary expenses or serious needs of individuals or households adversely affected by a Presidential declaration of a major disaster or emergency that cannot be otherwise adequately met from other means of assistance, accept assistance in the form of grants by the federal government to fund that financial assistance, subject to those terms and conditions as may be imposed upon the grant.

(5) Enter into an agreement with the federal government, or any officer or agency thereof, pledging the state to participate in the funding of any grant accepted pursuant to paragraph (1), in an amount not to exceed 25

percent thereof, and, if state funds are not otherwise available to the Governor, accept an advance of the state share from the federal government to be repaid when the state is able to do so.

(6) Notwithstanding any other provision of law, make financial grants available to meet disaster-related necessary expenses or serious needs of individuals or households adversely affected by a Presidential declaration of a major disaster or emergency in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act and Sections 13600 and 13601 of the Welfare and Institutions Code.

(b) Whenever the President at the request of the Governor declares a major disaster to exist in this state, the Governor may do any of the following:

(1) Upon his or her determination that a local government will suffer a substantial loss of tax and other revenues from a major disaster and has demonstrated a need for financial assistance to perform its governmental functions, apply to the federal government, on behalf of the local government, for a loan, and receive and disburse the proceeds of that loan to the local government.

(2) Determine the amount needed by a local government to restore or resume its governmental functions, and certify that amount to the federal government. However, that amount shall not exceed 25 percent of the annual operating budget of the local government for the fiscal year in which the major disaster has occurred.

(3) Recommend to the federal government, after reviewing the matter, the cancellation of all or any part of a loan made pursuant to paragraph (2) when during the period of three full fiscal years immediately following the major disaster, the revenues of the local government are insufficient to meet its operating expenses, including disaster-related expenses incurred by the local government.

(c) The Governor shall make those regulations as are necessary in carrying out the purposes of paragraphs (4), (5), and (6) of subdivision (a), including, but not limited to: standards of eligibility for persons applying for benefits; procedures for application and administration; methods of investigation, processing, and approving applications; formation of local or statewide review boards to pass upon applications; and procedures for appeals.

(d) Any political subdivision is expressly authorized to acquire, temporarily or permanently, by purchase, lease, or otherwise, sites required for installation of temporary housing units for disaster victims, and to enter into whatever arrangements (including purchase of temporary housing units and payment of transportation charges) are necessary to prepare or equip the sites to utilize the housing units.

(e) Any person who fraudulently makes any misstatement of fact in connection with an application for financial assistance under this section shall, upon conviction of each offense, be guilty of a misdemeanor punishable by a fine of not more than five thousand dollars (\$5,000), or imprisonment for not more than one year, or both.

(f) The terms “major disaster,” “emergency,” and “temporary housing,” as used in this section, shall have the same meaning as those terms are defined or used in the Robert T. Stafford Disaster Relief and Emergency Assistance Act (P.L. 93-288, as amended by P.L. 100-707). It is the intent of the Legislature in enacting this section that it shall be liberally construed to effectuate the purposes of that federal act.

SEC. 3.2. The heading of Chapter 7.5 (commencing with Section 8680) of Division 1 of Title 2 of the Government Code is amended to read:

CHAPTER 7.5. CALIFORNIA DISASTER ASSISTANCE ACT

SEC. 3.3. Section 8680 of the Government Code is amended to read:

8680. This chapter shall be known and may be cited as the California Disaster Assistance Act.

SEC. 3.4. Section 8680.4 of the Government Code is amended to read:

8680.4. “Project” means the repair or restoration, or both, other than normal maintenance, or the replacement of, real property of a local agency used for essential governmental services, including, but not limited to, buildings, levees, flood control works, channels, irrigation works, streets, roads, bridges, highways, and other public works, that are damaged or destroyed by a disaster. “Project” also includes those activities and expenses allowed under subdivisions (a), (c), (d), and (e) of Section 8685. Except as provided in Section 8686.3, the completion of all or part of a project prior to application for funds pursuant to this chapter shall not disqualify the project or any part thereof.

SEC. 3.5. Section 8680.5 of the Government Code is amended to read:

8680.5. “Project application” means the written application made by a local agency to the director for state financial assistance, which shall include all damage to public real property that resulted from a disaster within the total jurisdiction of the local agency making application and other activities and expenses as allowed in Section 8685.

SEC. 3.6. Section 8680.6 of the Government Code is repealed.

SEC. 3.7. Section 8682.9 of the Government Code is amended to read:

8682.9. The director shall adopt regulations, as necessary, to govern the administration of the disaster assistance program authorized by this chapter in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3). These regulations shall include specific project eligibility requirements, a procedure for local governments to request the implementation of programs under this chapter, and a method for evaluating these requests by the Office of Emergency Services.

SEC. 3.8. Section 8685 of the Government Code is amended to read:

8685. From any moneys appropriated for that purpose, and subject to the conditions specified in this article, the director shall allocate funds to meet the cost of any one or more projects as defined in Section 8680.4. Applications by school districts shall be submitted to the Superintendent of

Public Instruction for review and approval, in accordance with instructions or regulations developed by the Office of Emergency Services, prior to the allocation of funds by the director.

Moneys appropriated for the purposes of this chapter may be used to provide financial assistance for the following local agency and state costs:

(a) Local agency personnel costs, equipment costs, and the cost of supplies and materials used during disaster response activities, incurred as a result of a state of emergency proclaimed by the Governor, excluding the normal hourly wage costs of employees engaged in emergency work activities.

(b) To repair, restore, reconstruct, or replace facilities belonging to local agencies damaged as a result of disasters as defined in Section 8680.3. Mitigation measures performed pursuant to subdivision (b) of Section 8686.4 shall qualify for funding pursuant to this chapter.

(c) Matching fund assistance for cost sharing required under federal disaster assistance programs, as otherwise eligible under this act.

(d) Indirect administrative costs and any other assistance deemed necessary by the director.

(e) Necessary and required site preparation costs for mobilehomes, travel trailers, and other manufactured housing units provided and operated by the Federal Emergency Management Agency.

SEC. 3.9. Section 8686.4 of the Government Code is amended to read:

8686.4. (a) Whenever the local agency and the director determine for projects that the general public and state interest will be better served by replacing a damaged or destroyed facility with a facility that will more adequately serve the present and future public needs than would be accomplished merely by repairing or restoring the damaged or destroyed facility, the director shall authorize the replacement, including, in the case of a public building, an increase in the square footage of the building replaced, but the cost of the betterment of the facility, to the extent that it exceeds the cost of repairing or restoring the damaged or destroyed facility, shall be borne and contributed by the local agency, and the excess cost shall be excluded in determining the amount to be allocated by the state. The state contribution shall not exceed the net cost of restoring each facility on the basis of the design of the facility as it existed immediately prior to the disaster in conformity with current codes, specifications, and standards.

(b) Notwithstanding subdivision (a), when the director determines there are mitigation measures that are cost effective and that substantially reduce the risk of future damage, hardship, loss, or suffering in any area where a state of emergency has been proclaimed by the Governor, the director may authorize the implementation of those measures.

SEC. 3.10. Section 8686.6 of the Government Code is repealed.

SEC. 3.11. Section 8687 of the Government Code is amended to read:

8687. Deferred payments made by a local agency pursuant to Section 8686.8 shall be made by the agency:

(a) Out of the current revenues of the local agency.



(b) If the current revenues of a city, county, or city and county, prove insufficient to enable the agency to meet the payments, the director may order the State Controller to withhold from the local agency funds that the local agency would be entitled from the state, including, as to street and highway projects as defined by Sections 590 and 592 of the Vehicle Code, from the Motor Vehicle License Fee Fund to the extent necessary to meet the deficiency.

Those sums shall be credited to the funds in the State Treasury from which the loans were made.

SEC. 3.12. Section 8687.4 of the Government Code is amended to read:

8687.4. Whenever the director determines that a local agency which would otherwise be eligible for funds under the formula of Section 8686 is unable to finance a project due to exhaustion of its financial resources because of disaster expenditures, the director may allocate funds to pay such portion of the cost of the project as the director determines is necessary to accomplish the projects.

SEC. 3.13. Section 8690.8 of the Government Code is repealed.

SEC. 3.14. Section 8691 of the Government Code is repealed.

SEC. 3.15. Section 8692 of the Government Code is repealed.

SEC. 4. Section 24009 of the Government Code is amended to read:

24009. (a) Except as provided in subdivision (b), the county officers to be elected by the people are the treasurer, county clerk, auditor, sheriff, tax collector, district attorney, recorder, assessor, public administrator, and coroner.

(b) Except for those officers named in subdivision (b) of Section 1 of Article XI of the California Constitution, any county office that is required to be elective may become an appointive office pursuant to this subdivision. In order to change an office from elective to appointive, a proposal shall be presented to the voters of the county and approved by a majority of the votes cast on the proposition. A proposal shall be submitted to the voters by the county board of supervisors or it may be submitted to the voters pursuant to the qualification of an initiative petition as provided in Chapter 2 (commencing with Section 9100) of Division 9 of the Elections Code. Any county office changed from elective to appointive in accordance with this subdivision may be changed back from appointive to elective in the same manner.

SEC. 5. Section 25210.3c is added to the Government Code, to read:

25210.3c. A county service area may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6.

SEC. 6. Section 25841 of the Government Code is repealed.

SEC. 7. Section 26202.1 of the Government Code is amended to read:

26202.1. The board may authorize the destruction or disposition of any unaccepted bid or proposal for the construction or installation of any building, structure, bridge, or highway or other public works which is more than two years old.

SEC. 7.5. Section 50279.4 of the Government Code is repealed.

SEC. 8. Chapter 3 (commencing with Section 51700) of Part 2 of Division 1 of Title 5 of the Government Code is repealed.

SEC. 9. Article 3.5 (commencing with Section 51939.50) of Chapter 5 of Part 2 of Division 1 of Title 5 of the Government Code is repealed.

SEC. 10. Section 61226.5 is added to the Government Code, to read:

61226.5. A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6.

SEC. 11. Section 66442 of the Government Code is amended to read:

66442. (a) If a subdivision for which a final map is required lies within an unincorporated area, a certificate or statement by the county surveyor is required. If a subdivision lies within a city, a certificate or statement by the city engineer or city surveyor is required. The appropriate official shall sign, date, and, below or immediately adjacent to the signature, indicate his or her registration or license number with expiration date and the stamp of his or her seal, state that:

(1) He or she has examined the map.

(2) The subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations thereof.

(3) All provisions of this chapter and of any local ordinances applicable at the time of approval of the tentative map have been complied with.

(4) He or she is satisfied that the map is technically correct.

(b) City or county engineers registered as civil engineers after January 1, 1982, shall only be qualified to certify the statements of paragraphs (1), (2), and (3) of subdivision (a). The statement specified in paragraph (4) shall only be certified by a person authorized to practice land surveying pursuant to the Professional Land Surveyors' Act (Chapter 15 (commencing with Section 8700) of Division 3 of the Business and Professions Code) or a person registered as a civil engineer prior to January 1, 1982, pursuant to the Professional Engineers' Act (Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code). The county surveyor, the city surveyor, or the city engineer, as the case may be, or other public official or employee qualified and authorized to perform the functions of one of those officials, shall complete and file with his or her legislative body his or her certificate or statement, as required by this section, within 20 days from the time the final map is submitted to him or her by the subdivider for approval.

SEC. 12. Section 66442.5 of the Government Code is amended to read:

66442.5. The following statements shall appear on a final map:

(a) Engineer's (surveyor's) statement:

This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act and local ordinance at the request of (name of person authorizing map) on (date). I hereby state that all the monuments are of the character and occupy the positions indicated or that they will be set in those positions before (date), and that the monuments are, or will be, sufficient to enable the survey to be retraced, and that this final map substantially conforms to the conditionally approved tentative map.

(Signed) \_\_\_\_\_  
R.C.E. (or L.S.) No. \_\_\_\_\_

(b) Recorder's certificate or statement.

Filed this \_\_\_\_ day of \_\_\_\_, 20\_\_, at \_\_\_\_ m. in Book \_\_\_\_ of \_\_\_\_, at  
page \_\_\_\_, at the request of \_\_\_\_\_.

Signed \_\_\_\_\_  
County Recorder

SEC. 13. Section 5900.11 is added to the Harbors and Navigation Code, to read:

5900.11. A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

SEC. 14. Section 6064 is added to the Harbors and Navigation Code, to read:

6064. A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

SEC. 15. Section 6272 is added to the Harbors and Navigation Code, to read:

6272. A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

SEC. 16. Section 6860.5 is added to the Harbors and Navigation Code, to read:

6860.5. A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

SEC. 17. Section 7053.5 is added to the Harbors and Navigation Code, to read:

7053.5. A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

SEC. 18. Section 2043 of the Health and Safety Code is amended to read:

2043. (a) A district shall have perpetual succession.

(b) A board of trustees may, by a two-thirds vote of its total membership, adopt a resolution to change the name of the district. The name shall contain the words "mosquito abatement district," "vector control district," "mosquito and vector control district," "mosquito control district," or "vector management district." The resolution shall comply with the requirements of Chapter 23 (commencing with Section 7530) of Division 7 of Title 1 of the Government Code. Within 10 days of its adoption, the board of trustees shall file a copy of its resolution with the Secretary of State, the county clerk, the board of supervisors, and the local

agency formation commission of each county in which the district is located.

(c) A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

SEC. 19. Section 2054 of the Health and Safety Code is amended to read:

2054. Whenever the boundaries of a district or a zone change, the district shall comply with Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code.

SEC. 20. Section 2853 is added to the Health and Safety Code, to read:

2853. A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

SEC. 21. Section 4766.5 is added to the Health and Safety Code, to read:

4766.5. A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

SEC. 22. Section 6491.5 is added to the Health and Safety Code, to read:

6491.5. A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

SEC. 23. Section 11372.5 of the Health and Safety Code is amended to read:

11372.5. (a) Every person who is convicted of a violation of Section 11350, 11351, 11351.5, 11352, 11355, 11358, 11359, 11361, 11363, 11364, 11368, 11375, 11377, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, 11380.5, 11382, 11383, 11390, 11391, or 11550 or subdivision (a) or (c) of Section 11357, or subdivision (a) of Section 11360 of this code, or Section 4230 of the Business and Professions Code shall pay a criminal laboratory analysis fee in the amount of fifty dollars (\$50) for each separate offense. The court shall increase the total fine necessary to include this increment.

With respect to those offenses specified in this subdivision for which a fine is not authorized by other provisions of law, the court shall, upon conviction, impose a fine in an amount not to exceed fifty dollars (\$50), which shall constitute the increment prescribed by this section and which shall be in addition to any other penalty prescribed by law.

(b) The county treasurer shall maintain a criminalistics laboratories fund. The sum of fifty dollars (\$50) shall be deposited into the fund for every conviction under Section 11350, 11351, 11351.5, 11352, 11355, 11358, 11359, 11361, 11363, 11364, 11368, 11375, 11377, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, 11380.5, 11382, 11383, 11390, 11391, or 11550, subdivision (a) or (c) of Section 11357, or subdivision (a) of Section 11360 of this code, or Section 4230 of the Business and Professions Code, in addition to fines, forfeitures, and other moneys which

are transmitted by the courts to the county treasurer pursuant to Section 11502. The deposits shall be made prior to any transfer pursuant to Section 11502. The county may retain an amount of this money equal to its administrative cost incurred pursuant to this section. Moneys in the criminalistics laboratories fund shall, except as otherwise provided in this section, be used exclusively to fund (1) costs incurred by criminalistics laboratories providing microscopic and chemical analyses for controlled substances, in connection with criminal investigations conducted within both the incorporated or unincorporated portions of the county, (2) the purchase and maintenance of equipment for use by these laboratories in performing the analyses, and (3) for continuing education, training, and scientific development of forensic scientists regularly employed by these laboratories. Moneys in the criminalistics laboratory fund shall be in addition to any allocations pursuant to existing law. As used in this section, “criminalistics laboratory” means a laboratory operated by, or under contract with, a city, county, or other public agency, including a criminalistics laboratory of the Department of Justice, (1) which has not less than one regularly employed forensic scientist engaged in the analysis of solid-dose controlled substances, and (2) which is registered as an analytical laboratory with the Drug Enforcement Administration of the United States Department of Justice for the possession of all scheduled controlled substances. In counties served by criminalistics laboratories of the Department of Justice, amounts deposited in the criminalistics laboratories fund, after deduction of appropriate and reasonable county overhead charges not to exceed 5 percent attributable to the collection thereof, shall be paid by the county treasurer once a month to the Controller for deposit into the state General Fund, and shall be excepted from the expenditure requirements otherwise prescribed by this subdivision.

(c) The county treasurer shall, at the conclusion of each fiscal year, determine the amount of any funds remaining in the special fund established pursuant to this section after expenditures for that fiscal year have been made for the purposes herein specified. The board of supervisors may, by resolution, assign the treasurer’s duty to determine the amount of remaining funds to the auditor or another county officer. The county treasurer shall annually distribute those surplus funds in accordance with the allocation scheme for distribution of fines and forfeitures set forth in Section 11502.

SEC. 24. Section 13868 of the Health and Safety Code is amended to read:

13868. (a) A district board shall keep a record of all its acts, including its financial transactions.

(b) A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

SEC. 25. Section 32107 is added to the Health and Safety Code, to read:

32107. A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

SEC. 26. Section 1190.5 is added to the Military and Veterans Code, to read:

1190.5. A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

SEC. 27. Section 1463.14 of the Penal Code is amended to read:

1463.14. (a) Notwithstanding the provisions of Section 1463, of the moneys deposited with the county treasurer pursuant to Section 1463, fifty dollars (\$50) of each fine collected for each conviction of a violation of Section 23103, 23104, 23152, or 23153 of the Vehicle Code shall be deposited in a special account which shall be used exclusively to pay for the cost of performing for the county, or a city or special district within the county, analysis of blood, breath or urine for alcohol content or for the presence of drugs, or for services related to that testing. The sum shall not exceed the reasonable cost of providing the services for which the sum is intended.

On November 1 of each year, the treasurer of each county shall determine those moneys in the special account that were not expended during the preceding fiscal year, and shall transfer those moneys into the general fund of the county. The board of supervisors may, by resolution, assign the treasurer's duty to determine the amount of money that was not expended to the auditor or another county officer. The county may retain an amount of that money equal to its administrative cost incurred pursuant to this section, and shall distribute the remainder pursuant to Section 1463. If the account becomes exhausted, the public entity ordering a test performed pursuant to this subdivision shall bear the costs of the test.

(b) The board of supervisors of a county may, by resolution, authorize an additional penalty upon each defendant convicted of a violation of Section 23152 or 23153 of the Vehicle Code, of an amount equal to the cost of testing for alcohol content, less the fifty dollars (\$50) deposited as provided in subdivision (a). The additional penalty authorized by this subdivision shall be imposed only in those instances where the defendant has the ability to pay, but in no case shall the defendant be ordered to pay a penalty in excess of fifty dollars (\$50). The penalty authorized shall be deposited directly with the county, or city or special district within the county, which performed the test, in the special account described in subdivision (a), and shall not be the basis for any additional assessment pursuant to Section 1464 or 1465, or Chapter 12 (commencing with Section 76010) of Title 8 of the Government Code.

For purposes of this subdivision, "ability to pay" means the overall capability of the defendant to pay the additional penalty authorized by this subdivision, taking into consideration all of the following:

(1) Present financial obligations, including family support obligations, and fines, penalties, and other obligations to the court.

(2) Reasonably discernible future financial position over the next 12 months.

(3) Any other factor or factors which may bear upon the defendant's financial ability to pay the additional penalty.

(c) The Department of Justice shall promulgate rules and regulations to implement the provisions of this section.

SEC. 28. Section 5557.2 of the Public Resources Code is amended to read:

5557.2. A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

SEC. 29. Section 5786.9 of the Public Resources Code is amended to read:

5786.9. (a) A district shall have perpetual succession.

(b) A board of directors may, by a four-fifths vote of its total membership, adopt a resolution to change the name of the district. The resolution shall comply with the requirements of Chapter 23 (commencing with Section 7530) of Division 7 of Title 1 of the Government Code. The board of directors shall not change the name of the district to the name of any living individual. Within 10 days of its adoption, the board of directors shall file a copy of its resolution with the Secretary of State, the county clerk, the board of supervisors, and the local agency formation commission of each county in which the district is located.

(c) A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

SEC. 29.1. Section 5786.31 of the Public Resources Code is amended to read:

5786.31. Whenever the boundaries of a district or a zone change, the district shall comply with Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code.

SEC. 29.2. Section 8801 of the Public Resources Code is amended to read:

8801. (a) The system of plane coordinates that has been established by the United States Coast and Geodetic Survey for defining and stating the positions or locations of points on the surface of the earth within the State of California is based on the North American Datum of 1927 and is identified as the "California Coordinate System." After January 1, 1987, this system shall be known as the "California Coordinate System of 1927."

(b) The system of plane coordinates which has been established by the National Geodetic Survey for defining and stating the positions or locations of points on the surface of the earth within the State of California and which is based on the North American Datum of 1983 shall be known as the "California Coordinate System of 1983."

(c) As used in this chapter:

(1) "NAD27" means the North American Datum of 1927.

(2) "CCS27" means the California Coordinate System of 1927.

(3) "NAD83" means the North American Datum of 1983.

(4) “CCS83” means the California Coordinate System of 1983.

(5) “USC&GS” means the United States Coast and Geodetic Survey.

(6) “NGS” means the National Geodetic Survey or its successor.

(7) “FGCS” means the Federal Geodetic Control Subcommittee or its successor.

(8) “CSRC” means the California Spatial Reference Center or its successor.

(9) “CSRN” means the California Spatial Reference Network, as defined by Chapter 3 (commencing with Section 8850), “Geodetic Datums and the California Spatial Reference Network.”

(10) “GPS” means Global Positioning System and includes other, similar space-based systems.

(11) “FGDC” means the Federal Geographic Data Committee or its successor.

(d) The use of the term “State Plane Coordinates” refers only to CCS27 and CCS83 coordinates.

SEC. 29.3. Section 8802 of the Public Resources Code is amended to read:

8802. For CCS27, the state is divided into seven zones. For CCS83, the state is divided into six zones. Zone 7 of CCS27, which encompasses Los Angeles County, is eliminated and the area is included in Zone 5 of CCS83.

Each zone of CCS27 is a Lambert conformal conic projection based on Clarke’s Spheroid of 1866, which is the basis of NAD27. The points of control of zones one to six, inclusive, bear the coordinates: Northing (y) = 000.00 feet and Easting (x) = 2,000,000 feet. The point of control of Zone 7 bears the coordinates: Northing (y) = 4,160,926.74 feet and Easting (x) = 4,186,692.58 feet.

Each zone of CCS83 is a Lambert conformal conic projection based on the Geodetic Reference System of 1980, which is the basis of NAD83. The point of control of each of the six zones bear the coordinates: Northing (y) = 500,000 meters and Easting (x) = 2,000,000 meters.

The area included in the following counties constitutes Zone 1 of CCS27 and CCS83: Del Norte, Humboldt, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, and Trinity.

The area included in the following counties constitutes Zone 2 of CCS27 and CCS83: Alpine, Amador, Butte, Colusa, El Dorado, Glenn, Lake, Mendocino, Napa, Nevada, Placer, Sacramento, Sierra, Solano, Sonoma, Sutter, Yolo, and Yuba.

The area included in the following counties constitutes Zone 3 of CCS27 and CCS83: Alameda, Calaveras, Contra Costa, Madera, Marin, Mariposa, Merced, Mono, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Stanislaus, and Tuolumne.

The area included in the following counties constitutes Zone 4 of CCS27 and CCS83: Fresno, Inyo, Kings, Monterey, San Benito, and Tulare.



The area included in the following counties and Channel Islands constitutes Zone 5 of CCS27: Kern, San Bernardino, San Luis Obispo, Santa Barbara (excepting Santa Barbara Island), and Ventura (excepting San Nicholas Island) and the Channel Islands of Santa Cruz, Santa Rosa, San Miguel, and Anacapa.

The area included in the following counties and Channel Islands constitutes Zone 5 of CCS83: Kern, Los Angeles (excepting San Clemente and Santa Catalina Islands), San Bernardino, San Luis Obispo, Santa Barbara (excepting Santa Barbara Island), and Ventura (excepting San Nicholas Island) and the Channel Islands of Santa Cruz, Santa Rosa, San Miguel, and Anacapa.

The area included in the following counties and Channel Islands constitutes Zone 6 of CCS27 and CCS83: Imperial, Orange, Riverside, and San Diego and the Channel Islands of San Clemente, Santa Catalina, Santa Barbara, and San Nicholas.

The area included in Los Angeles County constitutes Zone 7 of CCS27.

SEC. 29.4. Section 8809 of the Public Resources Code is amended to read:

8809. Zone 7 coordinates shall be named, and, on any map on which they are used, they shall be designated as “CCS27, Zone 7.”

On its respective spheroid of reference: (1) the standard parallels of CCS27, Zone 7 are at north latitudes 33 degrees 52 minutes and 34 degrees 25 minutes, along which parallels the scale shall be exact; and (2) the point of control of coordinates is at the intersection of the zone’s central meridian, which is at 118 degrees 20 minutes west longitude, with the parallel 34 degrees 08 minutes north latitude.

SEC. 29.5. Section 8813 of the Public Resources Code is amended to read:

8813. After December 31, 1999, and prior to January 1, 2006, any survey or map that uses state plane coordinates shall be based on, and show, field-observed direct connections to at least two horizontal reference stations that are one of the following:

(a) Included in the CSRN.

(b) Located outside the State of California and meet all the requirements for inclusion in the CSRN, except for the requirement that they be inside California.

(c) Shown on a subdivision map, record of survey, or a map filed with the county surveyor by a public officer and whose horizontal positions have been determined by Global Positioning System survey methods in accordance with first order or better FGCS standards and specifications and whose state plane coordinates are based on field-observed direct, nontrivial connections to at least two stations that are included in subdivision (a) or (b).

SEC. 29.6. Section 8813.1 is added to the Public Resources Code, to read:

8813.1. After December 31, 2005, any survey that uses or establishes a CCS83 value or values shall meet all of the following requirements:

(a) The survey shall be referenced to and shall have field-observed statistically independent connections to one or more horizontal reference stations that is or are one of the following:

(1) CSRN station.

(2) Geodetic control station located outside of the State of California that meets all the requirements for inclusion in the CSRN except that the station is outside California.

(3) Existing CCS83 station that:

(A) Is shown on a map filed with the applicable county surveyor by a public officer, subdivision map, corner record, or record of survey.

(B) Meets all the requirements for inclusion in the CSRN, except that the station and its data are not published by NGS or CSRC.

(C) Has an accuracy, conforming to the applicable CSRN requirements, stated for the station's value.

(4) Existing CCS83 station that:

(A) Is shown on a public map or document that is compiled and maintained by the applicable county surveyor.

(B) Meets all the requirements for inclusion in the CSRN, except that the station and its data are not published by NGS or CSRC.

(C) Has an accuracy, conforming to the applicable CSRN requirements, stated for the station's value.

(b) If an accuracy is to be claimed for the CCS83 value or values established, the claimed accuracy shall be an accuracy standard published by FGDC or FGCS.

SEC. 29.7. Section 8813.2 is added to the Public Resources Code, to read:

8813.2. After December 31, 2005, if an accuracy is claimed for a CCS83 value or values, the survey that established the value or values shall be documented on a map, record of survey, corner record, or other document that includes, in addition to other requirements in this chapter, the following:

(a) For each CCS83 station, the resultant CCS83 value or values.

(b) The FGDC or FGCS accuracy standard of the CCS83 value or values established. FGDC accuracies shall be identified as either a local or network accuracy.

(c) Additional written data that justifies the FGDC or FGCS accuracy standard shown. Such additional written data shall include observation equipment, control diagram including required field-observed statistically independent connection or connections, adjustment methodology and software used, a summary of the procedures used or a reference to published commonly accepted procedural specifications, final residuals or closures, and other data essential for others to evaluate the survey.

SEC. 29.8. Section 8813.3 is added to the Public Resources Code, to read:

8813.3. (a) After December 31, 2005, when a survey that uses or establishes a CCS83 value or values is shown on any document, the station or stations to which the CCS83 value or values are referenced and

connected and the CCS83 value or values and the published or stated accuracy or accuracies of that reference station or stations shall be shown also on the document.

(b) If a CCS83 survey begins before January 1, 2006, and is not completed by that date, the CCS83 survey may be completed in accordance with Sections 8813 and 8815.4 of this chapter or Sections 8813.1, 8813.2, and 8813.3 of this chapter, at the surveyor's option. All other applicable provisions of this chapter remain applicable.

SEC. 29.9. Section 8815.1 of the Public Resources Code is amended to read:

8815.1. When CCS83 coordinates are shown on any map, corner record, or other document, the map, corner record, or document shall state the epoch (date), in a decimal year format to two decimal places, that is the basis of the coordinate values shown. The epoch shall be shown on the map, corner record, or other document by an appropriate note on the map, corner record, or document or by adding a suffix in parentheses after CCS83 that states the epoch; examples, "CCS83 (1991.35)," "CCS83 (2002.00)," and so forth.

SEC. 29.10. Section 8815.2 of the Public Resources Code is amended to read:

8815.2. The epoch for a survey using CCS83 coordinate shall be the published NGS or CSRC epoch of a published coordinate for a controlling station used for that survey. Such surveys performed after December 31, 1999, shall be based on the "1991.35" epoch or a subsequent published NGS or CSRC epoch.

SEC. 29.11. Section 8815.4 of the Public Resources Code is amended to read:

8815.4. When a purported order of accuracy of second order or better is shown for CCS83 coordinate values on any map, corner record, or other document prior to January 1, 2006, that map, corner record, or other document shall use the order of accuracy as defined by the FGCS. If an FGCS order of accuracy is claimed for a survey or a map, it shall be justified by additional written data that shows equipment, procedures, closures, adjustments, and a control diagram.

SEC. 29.12. Section 8815.5 is added to the Public Resources Code, to read:

8815.5. When CCS83 coordinates are shown on any map, corner record, or record of survey, a mapping angle, combined grid factor, and the elevation used to determine the combined grid factor shall be shown on the map, corner record, or record of survey for at least one representative point.

SEC. 29.13. Section 8819 of the Public Resources Code is amended to read:

8819. This chapter does not prohibit the use of new surveying technologies or techniques for which FGCS specifications or other accepted specifications have not yet been published.

SEC. 29.14. Chapter 3 (commencing with Section 8850) is added to Division 8 of the Public Resources Code, to read:

CHAPTER 3. GEODETIC DATUMS AND THE CALIFORNIA SPATIAL  
REFERENCE NETWORK

8850. The official geodetic datums and spatial reference network for use within the State of California shall be as defined by this chapter.

8851. As used in this chapter:

- (a) "NGS" means National Geodetic Survey or its successor.
- (b) "CSRC" means California Spatial Reference Center or its successor.
- (c) "NAD83" means North American Datum of 1983.
- (d) "NAVD88" means North American Vertical Datum of 1988.
- (e) "ITRF" means International Terrestrial Reference Frame as defined by the International Earth Rotation Service.
- (f) "GPS" means Global Positioning System and includes other, similar space-based systems.
- (g) "FGDC" means Federal Geographic Data Committee or its successor.
- (h) "FGCS" means the Federal Geodetic Control Subcommittee or its successor.
- (i) "CSRN" means California Spatial Reference Network.

8852. The official geodetic datum to which horizontal positions and ellipsoid heights are referenced within the State of California shall be NAD83.

8853. The official geodetic datum to which orthometric heights are referenced within the State of California shall be NAVD88.

8854. When horizontal positions, ellipsoid heights, or orthometric heights are shown on a document, the document shall show the geodetic datum to which the values are referenced, whether NAD83, NAVD88, ITRF, or another datum.

8855. The official geodetic reference network for use within the State of California shall be the CSRN as defined by this chapter.

8856. The geodetic control stations within the State of California having horizontal positions conforming to all of the following requirements shall be part of the CSRN. The horizontal positions shall:

- (a) Be referenced to NAD83.
- (b) Have been determined by GPS survey methods.
- (c) Be published by NGS or CSRC.
- (d) Have a NGS or CSRC published network accuracy of two centimeters or better as defined by FGDC or a NGS or CSRC published accuracy of first order or better as defined by FGCS.
- (e) Have a NGS or CSRC published horizontal velocity or a horizontal velocity that can be determined using procedures and values published by NGS or CSRC.

8857. The geodetic control stations within the State of California having ellipsoid heights conforming to all of the following requirements shall be part of the CSRN. The ellipsoid heights shall:

- (a) Be referenced to NAD83.
- (b) Have been determined by GPS survey methods.
- (c) Be published by NGS or CSRC.
- (d) Have a NGS or CSRC published network accuracy of five centimeters or better as defined by FGDC or a NGS or CSRC published accuracy of fourth order, class II, or better as defined by FGCS.

8858. The geodetic control stations within the State of California having orthometric heights determined by GPS survey methods and conforming to all of the following requirements shall be part of the CSRN. The orthometric heights shall:

- (a) Be based on NAD83 and referenced to NAVD88.
- (b) Be published by NGS or CSRC.
- (c) Have a NGS or CSRC published network accuracy of five centimeters or better as defined by FGDC.

8859. The geodetic control stations within the State of California having orthometric heights determined by differential leveling survey methods and conforming to all of the following requirements shall be part of the CSRN. The orthometric heights shall:

- (a) Be referenced to NAVD88.
- (b) Be published by NGS or CSRC.
- (c) Have a NGS or CSRC published accuracy of third order, class II or better as defined by FGCS.

8860. The use of the NAD83, NAVD88, and CSRN by any person, firm, or governmental agency is optional.

8861. The provisions of this chapter shall not be construed to prohibit the appropriate use of other datums, including ITRF, and other geodetic reference networks.

SEC. 29.15. Chapter 4 (commencing with Section 8870) is added to Division 8 of the Public Resources Code, to read:

#### CHAPTER 4. CALIFORNIA GEODETIC COORDINATES

8870. Geodetic coordinates within the State of California that are based on the North American Datum of 1983 and conforming to the provisions of this chapter shall be known as “California Geodetic Coordinates of 1983.”

8871. As used in this chapter:

- (a) “NGS” means National Geodetic Survey or its successor.
- (b) “CSRC” means California Spatial Reference Center or its successor.
- (c) “NAD83” means North American Datum of 1983.
- (d) “GPS” means Global Positioning System and includes other, similar spaced-based systems.

(e) “FGDC” means the Federal Geographic Data Committee or its successor.

(f) “FGCS” means the Federal Geodetic Control Subcommittee or its successor.

(g) “CSRN” means California Spatial Reference Network as defined by Chapter 3 (commencing with Section 8850), “Geodetic Datums and the California Spatial Reference Network.”

(h) “CGC83” means California Geodetic Coordinates of 1983.

8872. The phrase “California Geodetic Coordinates of 1983” or any abbreviation thereof, such as “CGC83,” shall be used only in reference to geodetic coordinates based on NAD83 and conforming to the provisions of this chapter.

8873. CGC83 values shall be expressed as latitude, longitude, or ellipsoid height values or as Cartesian coordinates (x, y, z). When Cartesian coordinates are used, the symbols and conventions utilized shall be the same as that used by NGS.

8874. CGC83 latitude and longitude values shall be expressed in degrees, minutes, seconds, and decimals of a second, or degrees and decimals of a degree. CGC83 ellipsoid height values shall be expressed in meters and decimals of a meter or feet and decimals of a foot. When ellipsoid height values are expressed in feet, the “U.S. Survey Foot” (one foot equals 1200/3937 meters) shall be used as the standard foot. CGC83 Cartesian coordinate values shall be expressed in meters and decimals of a meter.

When CGC83 values are stated on any document, the unit of measure shall be clearly stated.

8875. The survey that establishes a CGC83 value or values shall meet all of the following requirements:

(a) The survey shall be referenced to and shall have field-observed statistically independent connections to one or more appropriate reference stations that is one of the following:

(1) CSRN station.

(2) Geodetic control station located outside of the State of California that meets all the requirements for inclusion in the CSRN except that the station is outside California.

(3) Existing CGC83 station that:

(A) Is shown on a map filed with the applicable county surveyor by a public officer, subdivision map, corner record, or record of survey.

(B) Meets all the requirements for inclusion in the CSRN except that the station and its data are not published by NGS or CSRC.

(C) Has an accuracy, conforming to the applicable CSRN requirements, stated for the station’s value.

(4) Existing CGC83 station that is shown on a public map or document that:

(A) Is compiled and maintained by the applicable county surveyor.

(B) Meets all the requirements for inclusion in the CSRN except that the station and its data are not published by NGS or CSRC.

(C) Has an accuracy, conforming to the applicable CSRN requirements, stated for the station's value.

(b) If an accuracy is to be claimed for the CGC83 value or values established, the claimed accuracy shall be an accuracy standard published by FGDC or FGCS.

8876. If an accuracy is claimed for a CGC83 value or values, the survey that established the value or values shall be documented on a map, record of survey, corner record, or other document that includes, at a minimum, the following:

(a) For each CGC83 station, the resultant CGC83 value or values.

(b) The epoch (date), in a decimal year format to two decimal places, that is the basis of the CGC83 values shown. The epoch shall be the published NGS or CSRC epoch of a controlling station for the survey.

If the published epochs for the horizontal positions of the controlling stations are not the same, appropriate adjustments shall be made to the horizontal values of the controlling stations so that said values of all the controlling stations are at one consistent epoch published by NGS or CSRC. These adjustments in the coordinates of the controlling stations shall be made in accordance with procedures and values published by NGS or CSRC.

(c) The FGDC and FGCS accuracy standard of the CGC83 value or values established. FGDC accuracies shall be identified as either a local or network accuracy.

(d) Additional written data that justifies the FGDC or FGCS accuracy standard shown. Such additional written data shall include observation equipment, control diagram including required field-observed statistically independent connection or connections, adjustment methodology and software used, a summary of the procedures used or a reference to published commonly accepted procedural specifications, final residuals or closures, and other data essential for others to evaluate the survey.

8877. When a CGC83 value or values are shown on any document, the document shall include the following:

(a) A statement that the geodetic coordinate value or values shown are a CGC83 value or values; exceptions shall be noted.

(b) The station or stations to which the CGC83 value or values are referenced and connected and the geodetic coordinate value or values and the published or stated accuracy or accuracies of said reference station or stations.

(c) The epoch of the CGC83 value or values shown. The epoch shall conform to provisions of subdivision (b) of Section 8876.

8878. The use of CGC83 by any person, firm, or governmental agency is optional.

8879. This chapter does not impair or invalidate land titles, legal descriptions, or jurisdictional or land boundaries and, further, this chapter does not impair or invalidate references to, or the use of, datums or latitude, longitude, or ellipsoid height values or other geodetic coordinate

values that do not conform to this chapter except as specified in Section 8872.

8880. This chapter does not prohibit the use of new surveying technologies or techniques for which FGCS specifications or other accepted specifications have not yet been published.

SEC. 29.16. Chapter 5 (commencing with Section 8890) is added to Division 8 of the Public Resources Code, to read:

#### CHAPTER 5. CALIFORNIA ORTHOMETRIC HEIGHTS

8890. Orthometric heights within the State of California that are based on the North America Vertical Datum of 1988 and conforming to the provisions of this chapter shall be known as “California Orthometric Heights of 1988.” Orthometric heights are commonly referred to as “elevations.”

8891. As used in this chapter:

- (a) “NGS” means National Geodetic Survey or its successor.
- (b) “CSRC” means California Spatial Reference Center or its successor.
- (c) “NAVD88” means North American Vertical Datum of 1988.
- (d) “GPS” means Global Positioning System and includes other, similar space-based systems.
- (e) “FGDC” means the Federal Geographic Data Committee or its successor.
- (f) “FGCS” means the Federal Geodetic Control Subcommittee or its successor.
- (g) “CSRN” means California Spatial Reference Network as defined by Chapter 3 (commencing with Section 8850), “Geodetic Datums and the California Spatial Reference Network.”

(h) “COH88” means California Orthometric Heights of 1988.

8892. The phrase “California Orthometric Heights of 1988” or any abbreviation, such as “COH88,” thereof shall be used only in reference to orthometric heights based on NAVD88 and conforming to the provisions of this chapter.

8893. COH88 values shall be expressed in meters and decimals of a meter or in feet and decimals of a foot. When COH88 values are expressed in feet, the “U.S. Survey Foot,” (one foot equals 1200/3937 meters) shall be used as the standard foot.

8894. COH88 values that are determined from differential leveling surveys shall be known as “leveled COH88” values. COH88 values that are determined from GPS surveys and the appropriate application of a geoid model shall be known as “derived COH88” values.

8895. When a geoid model is used to determine derived COH88 values, it shall be the latest geoid model published by NGS.

8896. The accuracy of derived COH88 values may be improved by applying a “local orthometric height correction” to the geoid height determined from the latest, applicable geoid model published by NGS.



8897. The survey that establishes a COH88 value or values shall meet all of the following requirements:

(a) The survey shall be referenced to and shall have field-observed statistically independent connections to one or more orthometric height reference stations that is or are one of the following:

(1) CSRN station.

(2) Geodetic control station located outside of the State of California that meets all the requirements for inclusion in the CSRN except that the station is outside California.

(3) Existing COH88 station that (A) is shown on a map filed with the applicable county surveyor by a public officer, subdivision map, corner record, or record of survey, (B) meets all the requirements for inclusion in the CSRN, except that the station and its data are not published by NGS or CSRC, and (C) has an accuracy, conforming to the applicable CSRN requirements, stated for the station's value.

(4) Existing COH88 station that is shown on a public map or document that (A) is compiled and maintained by the applicable county surveyor, (B) meets all the requirements for inclusion in the CSRN except that the station and its data are not published by NGS or CSRC, and (C) has an accuracy, conforming to the applicable CSRN requirements, stated for the station's value.

(b) If an accuracy is to be claimed for the COH88 value or values established, the claimed accuracy shall be an accuracy standard published by FGDC or FGCS.

8898. If an accuracy is claimed for a COH88 value or values, the survey that established the value or values shall be documented on a map, record of survey, corner record, or other document that includes, at a minimum, the following:

(a) For each COH88 station, the resultant COH88 value.

(b) For each individual COH88 value, whether it is a leveled COH88 or a derived COH88 value.

(c) For leveled COH88 values, the beginning and ending dates of the observations used to determine the values.

(d) For derived COH88 values, the date of the NGS geoid model used to determine the values.

(e) When derived COH88 values are shown and reflect the application of a "local orthometric height correction model," written data that justifies the model's validity. Such written data shall include a summary of the procedures, computations, analysis, and validation process used to develop the model.

(f) For derived COH88 values, the epoch (date), in a decimal year format to two decimal places, that is the basis of the COH88 values shown. Said epoch shall be the published NGS or CSRC epoch of a controlling station for the survey.

(g) The FGDC or FGCS accuracy standard of the COH88 value or values established. FGDC accuracies shall be identified as either a local or network accuracy.

(h) Additional written data that justifies the FGDC or FGCS accuracy standard shown. Such additional written data shall include observation equipment, control diagram including required field-observed statistically independent connection or connections, adjustment methodology and software used, a summary of the procedures used or a reference to a published commonly accepted procedural specifications, final residuals or closures, and other data essential for others to evaluate the survey.

8899. When a COH88 value or values are shown on any document, the document shall include the following:

(a) A statement that the orthometric height or heights shown are a COH88 value or values; exceptions shall be noted.

(b) The station or stations to which the COH88 value or values are referenced and connected and the orthometric height value or values and the published or stated accuracy or accuracies of said referenced station or stations.

8900. The use of COH88 by any person, firm, or governmental agency is optional.

8901. This chapter does not impair or invalidate land titles, legal descriptions, or jurisdictional or land boundaries and, further, this chapter does not impair or invalidate references to, or the use of, datums, elevations, orthometric heights, or other height values that do not conform to this chapter except as specified in Section 8892 in this chapter.

8902. This chapter does not prohibit the use of new surveying technologies or techniques for which FGCS specifications or other accepted specifications have not yet been published.

SEC. 30. Section 9313 of the Public Resources Code is amended to read:

9313. (a) All meetings of the directors shall be open to the public. All records of the district shall be open to public inspection during business hours.

(b) A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

SEC. 31. Section 26582 of the Public Resources Code is amended to read:

26582. (a) A district shall keep a record of the proceedings of its meetings. A district is subject to the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the Government Code).

(b) A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

SEC. 32. Section 12772 of the Public Utilities Code is amended to read:

12772. A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

SEC. 33. Section 16044 is added to the Public Utilities Code, to read:

16044. A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

SEC. 34. Section 16486 of the Public Utilities Code is amended to read:

16486. (a) In addition to all other powers, excepting telephone service, authorized by this division, the Kirkwood Meadows Public Utility District may acquire, construct, own, and operate public parking facilities and cable television facilities and may provide snow removal and road maintenance services for all roads open to the public, including, but not limited to, public roads and roads offered for dedication but not accepted, within the district. Prior to providing any snow removal or road maintenance services, the district shall obtain the consent of any public agency owning the roads. Notwithstanding Section 16467, the facilities and services provided in this subdivision need not be operated on a self-sustaining, revenue-producing basis. Revenue to defray the cost of the facilities and services may be raised in any manner authorized by this division.

(b) The Kirkwood Meadows Public Utility District may exercise all of the powers of a mosquito abatement district or vector control district, as set forth in the Mosquito Abatement and Vector Control District Law (Chapter 5 (commencing with Section 2000) of Division 3 of the Health and Safety Code), within the service area of the Kirkwood Meadows Public Utility District.

SEC. 35. Section 16489 of the Public Utilities Code is amended to read:

16489. The June Lake Public Utility District may exercise all of the powers of a mosquito abatement district or vector control district, as set forth in the Mosquito Abatement and Vector Control District Law (Chapter 5 (commencing with Section 2000) of Division 3 of the Health and Safety Code), within the service area of the June Lake Public Utility District.

SEC. 36. Section 22411 is added to the Public Utilities Code, to read:

22411. A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

SEC. 36.1. Section 132352 of the Public Utilities Code is amended to read:

132352. (a) The consolidated agency may adopt bylaws and other rules necessary to carry out its responsibilities.

(b) The clerk of the board shall cause a proposed ordinance or proposed amendment to an ordinance, and any ordinance adopted by the board, to be published at least once, in a newspaper of general circulation published and circulated in the board's area of jurisdiction.

(c) The publication of an ordinance, as required by subdivision (b), may be satisfied by either of the following actions:

(1) The board may publish a summary of a proposed ordinance or proposed amendment to an ordinance. The summary shall be prepared by a person designated by the board. The summary shall be published and a certified copy of the full text of the proposed ordinance or proposed amendment shall be posted in the office of the clerk of the board at least five days prior to the board meeting at which the proposed ordinance or amendment is to be adopted. Within 15 days after adoption of the ordinance or amendment, the board shall publish a summary of the ordinance or amendment with the names of those board members voting for and against the ordinance or amendment and the clerk shall post in the office of the clerk a certified copy of the full text of the adopted ordinance or amendment along with the names of those board members voting for and against the ordinance or amendment.

(2) If the person designated by the board determine that it is not feasible to prepare a fair and adequate summary of the proposed ordinance or amendment, and if the board so orders, a display advertisement of at least one-quarter of a page in a newspaper of general circulation in the board's area of jurisdiction shall be published at least five days prior to the board meeting at which the proposed ordinance or amendment is to be adopted. Within 15 days after adoption of the ordinance or amendment, a display advertisement of at least one-quarter of a page shall be published. The advertisement shall indicate the general nature of, and provide information regarding, the adopted ordinance or amendment, including information sufficient to enable the public to obtain copies of the complete text of the ordinance or amendment, and the names of those board members voting for and against the ordinance or amendment.

SEC. 36.2. Section 170006 of the Public Utilities Code is amended to read:

170006. For the purposes of this division, the following terms have the following meanings, unless the context requires otherwise.

(a) The "authority" means the San Diego County Regional Airport Authority established under this division.

(b) The "board" means the governing board of the authority established as specified in Section 170016.

(c) The "interim board" means the limited term board established as specified in Section 170012.

(d) The "port" means the San Diego Unified Port District established under the San Diego Unified Port District Act (Chapter 67 of the Statutes of 1962, First Extraordinary Session).

(e) The "San Diego International Airport" means the airport located at Lindbergh Field in the County of San Diego.

(f) (1) The "east area cities" mean the Cities of El Cajon, Lemon Grove, La Mesa, and Santee.

(2) The "north coastal area cities" mean the Cities of Carlsbad, Del Mar, Encinitas, Oceanside, and Solana Beach.

(3) The "north inland area cities" mean the Cities of Poway, Escondido, Vista, and San Marcos.

(4) The “south area cities” mean the Cities of Coronado, Imperial Beach, Chula Vista, and National City.

SEC. 36.3. Section 170010 of the Public Utilities Code is repealed.

SEC. 36.4. Section 170012 of the Public Utilities Code is repealed.

SEC. 36.5. Section 170014 of the Public Utilities Code is repealed.

SEC. 36.6. Section 170016 of the Public Utilities Code is amended to read:

170016. (a) The permanent board shall be established pursuant to this section. The board shall consist of nine members, as follows:

(1) The Mayor of the City of San Diego, or a member of the city council designated by the mayor to be his or her alternate.

(2) A member of the public appointed by the Mayor of the City of San Diego. The initial term for this member shall be two years.

(3) (A) The initial appointment for the north coastal cities shall be the mayor of the most populous city, as of the most recent decennial census, among the north coastal area cities. If that mayor declines to serve, he or she shall appoint a member of the public who is a resident of one of the north coastal area cities. The initial term for this member shall be four years.

(B) For subsequent appointments, the mayors of the north coastal cities shall select the member. The appointment shall alternate between a mayor and a member of the public from these cities to follow the initial appointment made under this paragraph.

(4) (A) If the member serving under paragraph (3) is a mayor, the initial appointment from the north inland cities shall be a member of the public selected by the mayors of the north inland area cities from one of those cities.

(B) If the person serving under paragraph (3) is not a mayor, then the mayors of the north inland area cities shall select a mayor of a north inland area city. The initial term of this member is two years.

(C) For subsequent appointments, the mayors of the north inland area cities shall select the member. The appointment shall alternate between a mayor and a member of the public from these cities to follow the initial appointment made under this paragraph.

(5) (A) The mayor of the most populous city, as of the most recent decennial census, among the south area cities. If that mayor declines to serve, he or she shall appoint a member of the public who is a resident of one of south area cities. The initial term for this member shall be six years.

(B) For subsequent appointments, the mayors of the south area cities shall select the member. The appointment shall alternate between a mayor and a member of the public from these cities to follow the initial appointment made under this paragraph. The initial term of this member is four years.

(6) (A) If the member serving under paragraph (5) is a mayor, then a member of the public shall be selected by the mayors of the east area cities from one of those cities.

(B) If the person serving under paragraph (5) is not a mayor, then the mayors of the east area cities shall select a mayor of an east area city. The initial term of this member is four years.

(C) For subsequent appointments, the mayors of the east area cities shall select the member. The appointment shall alternate between a mayor and a member of the public from these cities to follow the initial appointment made under this paragraph.

(7) The three remaining positions shall be the members of the executive committee appointed pursuant to Section 170028.

(b) The board shall appoint the chair, who shall serve as chair for a two-year portion of his or her term as a board member. A member may be appointed to consecutive terms as chair.

(c) (1) Members of the first board appointed pursuant to subdivision (a), other than members identified in paragraph (7) of subdivision (a), shall be appointed on or before October 31, 2002, and shall be seated as the board on December 2, 2002.

(2) Any appointment not filled by the respective appointing authority on or before December 1, 2002, shall be appointed by the Governor, consistent with the eligibility requirements of this section for that membership position.

(d) (1) After the initial term, all terms shall be four years, except as otherwise required under subdivision (b) of Section 170018.

(2) The expiration date of the term of office shall be the first Monday in December in the year in which the term is to expire.

SEC. 36.7. Section 170018 of the Public Utilities Code is amended to read:

170018. (a) The appointing authority for a member whose term has expired shall appoint that member's successor for a full term of four years.

(b) The membership of any member serving on the board as a result of holding another public office shall terminate when the member ceases holding the other public office.

(c) Any vacancy in the membership of the board shall be filled for the remainder of that unexpired term by a person selected by the respective appointing authority for that position.

SEC. 36.8. Section 170041 is added to the Public Utilities Code, to read:

170041. Meetings of the board are subject to the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code.

SEC. 36.9. Section 170042 of the Public Utilities Code is amended to read:

170042. (a) The board may act only by ordinance or resolution for the regulation of the authority and undertaking all acts necessary and convenient for the exercise of the authority's powers.

(b) The authority may adopt and enforce rules and regulations for the administration, maintenance, operation, and use of its facilities and services.

(c) (1) A person who violates a rule, regulation, or ordinance adopted by the board is guilty of a misdemeanor punishable pursuant to Section 19 of the Penal Code, or an infraction under the circumstances set forth in paragraph (1) or (2) of subdivision (d) of Section 17 of the Penal Code.

(2) The authority may employ necessary personnel to enforce this section.

(d) A majority of the membership of the board shall constitute a quorum for the transaction of business.

SEC. 36.10. Section 170062 of the Public Utilities Code is amended to read:

170062. (a) The authority shall develop a transition plan to facilitate the transfer of the San Diego International Airport to the authority pursuant to this section. To facilitate the preparation of a transition plan, the authority and the port shall jointly commission a certified audit to determine the financial condition of the San Diego International Airport, including, but not limited to, the obligations of the airport and the reasonableness of the overhead charges being paid by the airport to the port. Upon completion of the audit, the port and the authority shall balance all accounts, including, but not limit to, loans and other obligations between the two agencies.

(b) The port shall cooperate in every way to facilitate the transfer of the San Diego International Airport to the authority.

(c) In the preparation of the transition plan, priority shall be given to ensuring continuity in the programs, services, and activities of the San Diego International Airport.

(d) (1) The transfer of the San Diego International Airport to the authority shall be completed on or after December 16, 2002.

(2) The terms of the transfer of San Diego International Airport to the authority shall include, but are not limited to, the following:

(A) The authority shall request and receive a finding by the Federal Aviation Administration that it is an eligible airport sponsor.

(B) The authority shall comply with federal regulations, including, but not limited to, Part 139 of Title 14 of the Code of Federal Regulations (certification and operation) and Part 107 of Title 14 of the Code of Federal Regulations (security).

(C) Consistent with the obligations set forth in this section, the authority may, in its sole discretion, from time to time, enter into agreements with the port for services including, but not limited to, operations, maintenance, and purchasing, as the authority may find necessary or beneficial to facilitate the orderly transfer and continued operation of San Diego International Airport.

(D) The authority shall have no obligation to purchase or procure any services, facilities, or equipment from or through the port. At no time shall the authority be obligated to purchase auditing, public affairs, and governmental relations, strategic planning, legal, or board support services from the port. However, the authority may elect to obtain these services and support in agreement with the port.

(E) Performance of all these services shall be subject to the direction and control of the authority, and shall be provided in accordance with specifications, policies, and procedures as communicated by the authority to the port from time to time. In all cases, the port shall provide services of sufficient quality, quantity, reliability, and timeliness to ensure that the authority can continue the operation, maintenance, planning and improvement of and for San Diego International Airport consistent with the standards and practices under which the airport is operated on the effective date of the act that added this subparagraph or higher standards as the authority may adopt, or as may be required in the authority's judgment to meet the requirements of federal or state law, or the needs of the users of the airport for the safe, secure, and efficient operation of the airport. The authority also, from time to time, may establish performance standards for and may conduct financial or performance audits, or both, of all services provided by the port and all charges or claims for payment for the services provided.

(F) Services provided by the Harbor Police shall in no event be of less quality than the standard established for airport police services by the three other largest airports, based on annual passengers, in this state. The port shall cooperate fully, at its own cost, in any financial or performance audit, or both, conducted by, or on behalf of, the authority or by any government agency having jurisdiction.

(G) The authority shall reimburse the port for the actual and reasonable direct costs, including, but not limited to, an appropriate allocation of general and administrative expenses associated with the provision of that service, incurred by the port to deliver services actually provided to the authority in accordance with the standards and requirements described in this section. The port shall request payment for services on a monthly basis. Those requests shall provide details regarding each service or element thereof for which payment is requested as the authority reasonably may request. The authority shall have the right to review and approve any request for payment for those services. Payment shall be due and payable 30 days after the request provided all necessary supporting documentation is received by the authority.

(H) Upon the completion of the transfer, the authority shall hire existing port staff assigned to the aviation division of the port as employees of the authority. The authority may hire additional staff, as needed, to fulfill its responsibilities. The authority shall make every responsible effort to fill necessary positions from port staff which may be affected by the transfer of the airport.

(e) The transfer may not in any way impair any contracts with vendors, tenants, employees, or other parties.

(f) The San Diego Harbor Police Department shall remain under the jurisdiction of the San Diego Unified Port District, and employees shall incur no loss of employment or reduction in wages, health and welfare benefits, seniority, retirement benefits or contributions made to retirement plans, or other terms and conditions of employment as a result of



enactment of this division. The San Diego Harbor Police Department shall have the exclusive contract for law enforcement services at San Diego International Airport during that time as the airport continues to operate at the Lindbergh Field, and peace officers of the Harbor Police shall remain employees of the port.

SEC. 36.11. Section 170084 of the Public Utilities Code is amended to read:

170084. The authority shall assume and be bound by the terms and conditions of employment set forth in any collective bargaining agreement or employment contract between the port and any labor organization or employee affected by the creation of the authority, as well as the duties, obligations, and liabilities arising from, or relating to, labor obligations imposed by state or federal law upon the port. Aviation division employees of the port affected by this division shall become employees of the authority and shall suffer no loss of employment or reduction in wages, health and welfare benefits, seniority, retirement benefits or contributions made to retirement plans, or any other term or condition of employment as a result of the enactment of this division. No employee of the port shall suffer loss of employment or reduction in wages or benefits as a result of the enactment of this division.

SEC. 37. Section 21403 of the Water Code is amended to read:

21403. A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

SEC. 38. Section 30525.5 is added to the Water Code, to read:

30525.5. A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

SEC. 39. Section 35307 is added to the Water Code, to read:

35307. A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

SEC. 40. Section 40657.5 is added to the Water Code, to read:

40657.5. A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

SEC. 41. Section 50942 is added to the Water Code, to read:

50942. A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

SEC. 42. Section 55333.5 is added to the Water Code, to read:

55333.5. A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

SEC. 43. Section 71282 is added to the Water Code, to read:

71282. A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

SEC. 44. Section 74228.5 is added to the Water Code, to read:

74228.5. A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.